SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY
WRIT APPEAL NO. 899 OF 2006

BETWEEN

M/s Balaji Enterprises
Rep. by its Prop: Smt. H. Swarna Bai,
Hyderabad & others.

.....Appellants

And

The Central Registrar/Arbitrator,
A.P. Mahesh Co-operative Urban Bank,
Hyderabad & another

.....Respondents

Counsel for the Appellants : Shri Ch. Dhanmjaya

Counsel for Respondents : Smt. V. Dyumani

Dated: 30.08.2006

::JUDGMENT::

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 22.06.2006 passed in W.V.M.P. 3539 of 2005 in W.P.M.P.No. 27778 of 2005 in Writ Petition No. 21641 of 2005 whereby while continuing ad-interim order dated 05.10.2005 passed in favour of the appellants, the learned Single Judge directed them to deposit Rs.2,50,000/- within a period of four weeks with the rider that in case the amount is not deposited within the stipulated period, the interim order dated 05.10.2005 shall stand automatically vacated without further reference to the Court and the respondents shall be at liberty to proceed with the matter in accordance with law.

In the writ petition filed by them, the petitioners have questioned the legality of award dated 21.07.2005 passed by the Central Registrar-cum-Arbitrator of Andhra Pradesh Mahesh Cooperative Urban Bank Limited (for short 'the bank') under Section 84 of the Multi-State Cooperative Societies Act, 2002 (for short 'the Act'). While issuing "Rule Nisi" in the main petition and notice in W.P.M.P.No.27778 of 2005, the learned Single Judge suspended operation of the award passed by the Central Registrar-cum-Arbitrator. Thereafter, an application was filed on behalf of the bank for vacating the interim order. The same was registered as W.V.M.P.No.3539 of 2005. The learned Single Judge, after hearing counsel for the parties, modified the ad-interim order and directed the appellants to deposit Rs.2,50,000/-.

We have heard Shri Ch. Dhanmjaya, learned advocate for the appellants and perused the record.

Since the writ petition filed by the appellants questioning the award passed by the Central Registrar-cum-Arbitrator is pending adjudication before the learned Single Judge, it is neither proper nor justified for

us to express any opinion on the merits of the case because that would prejudicially affect the rights of either of the parties. However, we have no hesitation to observe that the discretion exercised by the learned Single Judge in continuing the interim order passed in favour of the appellants subject to the condition of deposit of Rs.2,50,000/- does not suffer from any jurisdictional error or patent infirmity. Rather, it is a most equitable order and does not call for interference under Clause 15 of the Letters Patent.

For the reasons aforestated, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.1885 of 2006 filed by the appellants for interim relief is also dismissed.

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G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

30.08.2006
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